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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,649	04/13/2001	Satoshi Okamoto	0879-0310P	1743

2292 7590 11/19/2007

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EXAMINER	
AGGARWAL, YOGESH K	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
11/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	09/833,649	OKAMOTO, SATOSHI	
	Examiner	Art Unit	
	Yogesh K. Aggarwal	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,16-45 and 47-63* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14,16-45 and 47-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/20/2007 has been entered.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Arguments

3. Applicant's arguments filed 1-14,16-45 and 47-63 have been fully considered but they are not persuasive.

Examiner's response:

4. Applicant submitted a Declaration of Prior Invention in a WTO Member Country to Overcome a Cited Patent Pursuant to 37 C.F.R. §1.131 executed by the inventor, Satoshi Okamoto in order to establish date of invention prior to the filing date of March 27, 2000 by Ichihara.

MPEP 2138.06 [R-1] states under "diligence required in preparing and filing patent application" that six days to execute and file application is acceptable. *Haskell v. Coleburne*, 671F.2d 1362, 213 USPQ 192, 195 (CCPA 1982). See also *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) (Reasonable diligence is all that is required of the

Attorney). In this case, since the time between Exhibit C dated March 8, 2000 and Exhibit D dated April 11, 2000 is more than six days, there is lack of diligence. Therefore the rejection with regards to Ichihara would be maintained.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579) in view of Bloomfield et al. (US Patent # 5,555,100).

[Claim 1]

Suzuki teaches an image data transmitting device (figure 1, digital camera) comprising:

an information processing device (16) that creates a reduced image data based on a subject main image data, and stores an image file including the subject main image data and the reduced image data in a storage medium (See figure 11, col. 12 lines 48-64) and

a communication device (19) that transmits the image file stored in the storage medium to an external apparatus (receiving side, figure 36, col. 19 line 59-col. 20 line 12).

Suzuki fails to teach wherein the information processing device deletes from the image file in the storage medium the subject main image data after the communication device transmits the image file data and keeps the reduced image data of the image file after the subject main image data is deleted.

However Bloomfield teaches that a stored image information that has been transmitted to the destination is deleted from the storage database and only a reduced image is created (col. 75 lines 47-56, figure 90).

Therefore taking the combined teachings of Suzuki and Bloomfield, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the deleted the image file in the storage medium after the communication device transmits the image file data and keeps the reduced image data of the image file in the system of Ichihara as taught in Bloomfield in order to only store the reduced image (thumbnail) in the memory of Ichihara so that the memory capacity can be efficiently used for taking next photograph by only storing a reduced version of the original image that has been already transmitted thereby not missing a photographic opportunity.

[Claim 30]

This is a method claims corresponding to apparatus claim 1. Therefore it has been analyzed and rejected based upon apparatus claim 1.

7. Claims 1, 3, 4, 14, 30, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579) in view of Ichihara (US Patent # 6,977,680).

[Claim 1]

Suzuki teaches an image data transmitting device (figure 1, digital camera) comprising:

an information processing device (16) that creates a reduced image data based on a subject main image data, and stores an image file including the subject main image data and the reduced image data in a storage medium (See figure 11, col. 12 lines 48-64) and

a communication device (19) that transmits the image file stored in the storage medium to an external apparatus (receiving side, figure 36, col. 19 line 59-col. 20 line 12).

Suzuki fails to teach wherein the information processing device deletes from the image file in the storage medium the subject main image data after the communication device transmits the image file data and keeps the reduced image data of the image file after the subject main image data is deleted.

However Ichihara teaches an image data transmitting device (figures 3 and 4, camera 30), comprising: a communication device (communication apparatus 35) that transmits a subject main image data stored in a detachable storage medium to an external apparatus (hard disk 41, col. 5 lines 38-41, col. 1 lines 25-28); and an information processing device that deletes the subject main image data stored in the storage medium after the communication device transmits the subject main image data, and that keeps reduced image data of the main image data stored in the storage medium after the subject main image data is deleted (col. 5 lines 45-49, col. 5 line 66-col. 6 line 22).

Therefore taking the combined teachings of Suzuki and Ichihara, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the information processing device deletes from the image file in the storage medium the subject main image data after the communication device transmits the image file data and keeps the reduced image data of the image file after the subject main image data is deleted in order to only store the thumbnail in the memory, the necessary memory capacity can be reduced, and even when the user takes a large number of pictures, it is not necessary to prepare a large number of sheets of the flash memory as taught in Ichihara (col. 6 lines 18-22).

[Claim 3]

Ichihara teaches a CPU 30 that controls the data and the whole process when the camera is connected to a PC (col. 5 lines 24-30).

[Claim 4]

Ichihara teaches transmitting images automatically to an external device (col. 5 lines 45-49).

[Claim 14]

Ichihara teaches an imaging device (figure 3, CCD 32) that captures the main image data, wherein the main image data is stored in the storage medium (flash memory 36).

[Claims 30, 32, 33]

These are method claims corresponding to apparatus claims 1, 3 and 4 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 1, 3 and 4.

8. Claims 2 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) in view of Nanba (US Patent # 6,297,870).

[Claim 2]

Suzuki in view of Ichihara fails to teach a user setting erasure setting for the images. However Nanba teaches a delete key D for deleting the images recorded in the memory card 8 (col. 3 lines 43-46, figure 1). It would be obvious to one skilled in the art that a delete key may be pressed at any time by a user e.g. after the communication device transmits the main image data to the external apparatus.

Therefore taking the combined teachings of Suzuki, Ichihara and Nanba, it would be obvious to one skilled in the art at the time of the invention to have been motivated to

have user setting erasure setting for the images in order to delete the images according to the user's commands.

[Claim 31]

This is a method claim corresponding to apparatus claim 2. Therefore it has been analyzed and rejected based upon apparatus claim 2.

9. Claims 5, 6, 34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) in view of Tamura (JP Patent # 09-37125).

[Claims 5 and 6]

Suzuki in view of Ichihara fails to teach wherein the information-processing device adds an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted. However Tamura teaches wherein the information processing device adds an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted (Paragraph 23, figure 5). Therefore taking the combined teachings of Suzuki, Ichihara and Tamura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have added an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted in order for the user to easily distinguish the transmitted files.

[Claims 34, 38]

These are method claims corresponding to apparatus claims 5 and 6 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 5 and 6.

10. Claims 7-11, 35-37, 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680), Tamura (JP Patent # 09-37125) and in further view of Tomat et al. (US Patent # 6,784,925).

[Claims 7, 10 and 11]

Suzuki in view of Ichihara in view of Tamura teaches the limitations of claim 6 but fails to teach "further comprising a first displaying device that displays a reduced image with at least one of information that the main image data has been transmitted, and information indicating the external apparatus and an information processing device that adds the information that the main image data has been transmitted, and information indicating the external apparatus". However Tomat et al. teaches that a displaying device (figure 22, element 190) that displays thumbnail images (192) along with information like an acquired icon 224 (figure 24) which indicates the type of the device from where the information can be downloaded and that the main image (col. 15 lines 66-67, col. 16 lines 1-10) and numeral 212 (figure 23) that indicates that indicates which photogroup the picture belongs to. In other words, whether the main image has been transmitted from the camera or any other external device. The PC or camera inherently have a CPU which adds the icons (224 and 212) associated with the thumbnail images 192. Therefore taking the combined teachings of Suzuki, Ichihara, Tamura and Tomat et al., it would have been obvious to one skilled in the art at the time of the invention to have a first displaying device that displays a reduced image with at least one of information that the main image data has been transmitted, and information indicating the external apparatus and an information processing device that adds the information that the main image data has been transmitted, and information indicating the external apparatus. The benefit of doing so would be so that the user can easily verify the source

of the images and auto-correct the images by looking at the icons associated with the thumbnail images.

[Claim 8]

Suzuki, Ichihara in view of Tamura teaches the limitations of claim 6 but fails to teach "a third setting device with which the user sets reception of the main image data according to the reduced image data stored in the storage medium, wherein the communication device receives the main image data from the external apparatus and stores the main image data in the storage medium". However Tomat et al. teaches that a displaying device (figure 22, element 190) that displays thumbnail images (in area 192) that is selected and will cause a full-resolution image associated with it to be copied to the storage device (col. 16 lines 11-20) after downloading from the digital camera in order to view the main image corresponding to the thumbnail image. Therefore taking the combined teachings of Suzuki, Ichihara, Tamura and Tomat et al., it would have been obvious to one skilled in the art at the time of the invention to have a first displaying device that displays a reduced image and a setting device with which the user sets reception of the main image data according to the reduced image data stored in the storage medium, wherein the communication device receives the main image data from the external apparatus and stores the main image data in the storage medium. The benefit of doing so would be so that the user can easily manipulate images and view them based on the thumbnail images.

[Claim 9]

Tomat teaches that after the full resolution file is moved to a storage device (along with associated information) the corresponding photogroup is deleted from the camera so that the

CPU replaces the previous information that the main image has been transmitted (col. 16 lines 11-27).

[Claims 35-37]

These are method claims corresponding to apparatus claims 7-9 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 7-9.

[Claims 39-43]

These are method claims corresponding to apparatus claims 7-11 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 7-11.

11. Claims 12, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) in view of Allen et al. (US Patent # 5,737,491).

[Claim 12]

Suzuki in view of Ichihara teaches the limitations of claim 1 but fails to teach "a fourth setting device with which the user sets transmission of the main image data stored in the storage medium to the external apparatus, wherein the information processing device produces a transmission information file that shows information set with the fourth setting device, and the communication device transmits the main image data stored in the storage medium to the external apparatus according to the information shown in the transmission information file". However Allen et al. teaches an image file being appended to the digitized voice command header and transmitted to the image fulfillment server where it is compared and decoded based on the appended voice file (col. 5 lines 6-17) in order to decode the image file. Therefore taking the combined teachings of Suzuki, Ichihara and Allen, it would have been obvious to one skilled

in the art at the time of the invention to have been motivated to have a device with which the user sets transmission of the main image data stored in the storage medium to the external apparatus, wherein the information processing device produces a transmission information file that shows information set with the setting device, and the communication device transmits the main image data stored in the storage medium to the external apparatus according to the information shown in the transmission information file. The benefit of doing so would be to have the image file decoded by the external apparatus according to the transmission file generated by the transmission device.

[Claim 44]

This is a method claim corresponding to apparatus claim 12. Therefore they have been analyzed and rejected based upon apparatus claim 12.

12. Claims 13, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) in view of Oie (US Patent # 6,188,431).

[Claim 13]

Suzuki in view of Ichihara teaches the limitations of claim 1 but fails to teach "a second displaying device that displays a message that the main image data is being transmitted while the communication device is transmitting the main image data to the external apparatus". However Oie teaches that during image transmission the message "WAIT" indicating that the image data is currently being transferred appears on the LCD (col. 6 lines 25-36) in order to inform the user that the file is being transmitted. Therefore taking the combined teachings of Suzuki, Ichihara and Oie, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have a second displaying device that displays a message that the main image

data is being transmitted while the communication device is transmitting the main image data to the external apparatus. The benefit of doing so would be so that the user can know if the file has been transmitted successfully.

[Claim 45]

This is a method claim corresponding to apparatus claim 13. Therefore they have been analyzed and rejected based upon apparatus claim 13.

13. Claims 16-21, 29, 47-51 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680), Nanba (US Patent # 6,297,870) in view of Niikawa et al. (US PG-PUB # 2002/0101440).

[Claim 16]

Suzuki in view of Ichihara teaches the limitations of claim 1 but fails to teach "a user setting erasure setting for the images and whereby the reduced image data is produced simultaneously with production and deletion of main image data".

However Nanba teaches a delete key D for deleting the images recorded in the memory card 8 (col. 3 lines 43-46, figure 1).

Therefore taking the combined teachings of Ichihara and Nanba, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have user setting erasure setting for the images in order to delete the images according to the user's commands.

Suzuki in view of Ichihara fails to teach whereby the reduced image data is produced simultaneously with production of main image data.

However Niikawa teaches the generation of thumbnail image data and main image data in a single file, which must be generated or deleted simultaneously in order to conform to the EXIF standard (Paragraph 41 and figure 3).

Therefore taking the combined teachings of Suzuki, Ichihara, Nanba and Niikawa, it would have been obvious to one skilled in the art at the time of the invention to have the reduced image data be produced simultaneously with production of main image data in order to conform with EXIF standard. The benefit of doing so would be to store both the low-resolution and high-resolution data together in an EXIF file format.

[Claims 17-21, 29]

These claims are similar to claims 2-6, 14. Therefore they have been analyzed and rejected based upon claims 2-6, 14.

[Claims 47-51]

These are method claims corresponding to apparatus claims 16-20 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 16-20.

[Claim 55]

This claim is similar to claim 38. Therefore it has been analyzed and rejected based upon claim 38.

14. Claims 22-26, 52-54, 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) and Niikawa et al. (US PG-PUB # 2002/0101440) and in further view of Tomat et al. (US Patent # 6,784,925).

[Claims 22-26]

These claims are similar to claims 7-11. Therefore they have been analyzed and rejected based upon claims 7-11.

[Claims 52-54]

These are method claims corresponding to apparatus claims 22-24 respectively. Therefore they have been analyzed and rejected based upon apparatus claims 22-24.

[Claims 56-60]

These claims are similar to claims 39-43. Therefore they have been analyzed and rejected based upon claims 39-43.

15. Claims 27, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) and Niikawa et al. (US PG-PUB # 2002/0101440) and in further view of Allen et al. (US Patent # 5,737,491).

[Claim 27]

This claim is similar to claim 12. Therefore it has been analyzed and rejected based upon claim 12.

[Claim 61]

This claim is similar to claim 44. Therefore it has been analyzed and rejected based upon claim 44.

16. Claims 28, 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) and Niikawa et al. (US PG-PUB # 2002/0101440) and in further view of Oie (US Patent # 6,784,925).

[Claim 28]

This claim is similar to claim 13. Therefore it has been analyzed and rejected based upon claim 13.

[Claim 62]

This claim is similar to claim 45. Therefore it has been analyzed and rejected based upon claim 45.

17. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,724,579), Ichihara (US Patent # 6,977,680) and further in view of Tamura (JP Patent # 09-37125).

[Claim 63]

Suzuki in view of Ichihara teaches an image data processing device (Ichihara, figures 3 and 4, camera 30), a transmission device (communication apparatus 35) that transmits at least said basic image data to an external storage device (hard disk 41, col. 5 lines 38-41).

Suzuki in view of Ichihara fails to teach wherein the information-processing device adds an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted. However Tamura teaches wherein the information processing device adds an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted (Paragraph 23, figure 5). Therefore taking the combined teachings of Suzuki, Ichihara and Tamura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have added an indicator indicating that the main image data has been transmitted to a file name of a file of the main image data transmitted in order for the user to easily distinguish the transmitted files.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571)-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA
November 7, 2007

LIN YE
SUPERVISORY PATENT EXAMINER